

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GOSZTYLA,

Plaintiff,

v.

E. GRUENWALD,

Defendant.

Case No. 2:22-cv-1725 KJM CSK P

~~PROPOSED~~ ORDER

Plaintiff is a state prisoner proceeding pro se. Pending before the Court is defendant's motion for a 45-day extension of time to file a dispositive motion. This is defendant's first request to extend the pretrial motions deadline; the Court finds good cause to grant the motion.

Governing Standards

"The district court is given broad discretion in supervising the pretrial phase of litigation." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'" Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 607).

Discussion

Defendant's counsel has diligently investigated plaintiff's claims, reviewed relevant documents, conducted legal research, consulted with the client, and prepared for and took plaintiff's deposition; counsel determined that a merits-based motion for summary judgment is appropriate. (ECF No. 42.) However, counsel needs additional time to prepare and complete the motion for summary judgment, and therefore seeks an additional 45 days, up to and including July 29, 2024, in which to file the motion for summary judgment. Good cause appearing, defendant's motion is granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Defendant's motion for an extension of time (ECF No. 42) is granted;
2. The pretrial motions deadline is extended from June 14, 2024, until July 29, 2024. In all other respects, the discovery and scheduling order (ECF No. 32) remains in effect.

Dated: June 12, 2024



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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